

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JOSEPH PAUL YOUNG,

Movant,

v.

Civil Action No. 2:16-cv-05813  
Criminal Action No. 2:08-cr-00226

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Cheryl A. Eifert, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

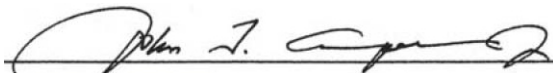
The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on December 12, 2017. The magistrate judge recommends "that the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 be denied as untimely; Respondent's motions be denied as moot; and that this action be dismissed, with prejudice, and removed from the docket of the court." (ECF #138 at 5 (emphases and citations omitted).) The movant, represented by counsel, has not objected to the Proposed Findings and Recommendation.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendations be, and hereby is, adopted by the court;
2. The movant's motion to vacate, set aside, or correct his sentence be, and hereby is, denied as untimely;
3. The respondent's motions be, and hereby are, denied as moot; and
4. This action be, and hereby is, dismiss with prejudice and removed from the docket of the court.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

ENTER: January 16, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.  
United States District Judge